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MEMO ENDORSED

By Fax

January 31, 2008

Hon. Colleen McMahon
United States Courthouse
500 Pearl Street, Room 640
New York, NY 10007

USDS SDNY
DOCUMENT
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DATE FILED: 2/1/08

Re.: Diaz v. NBC Universal, Inc.,

Civil Action No. 08-cv-00401(CM)

Subj: Page Limit Extension - Memo of Law, Etc.

Dear Judge McMahon:

On January 28, 2008, the Court granted defendant's letter application for leave to file a 35 page memorandum of law in support of its motions. This is an application that the Court also grant plaintiffs leave to file a 35 page memorandum in opposition.

Today I received a proposed order from defendant's counsel that has been delivered to the Court. The order addresses delivery of DVDs in support of the motions to be filed tomorrow by NBC Universal. We have no objection to the filing of the DVDs.

In the proposed order, defense counsel refer to filing opposition to plaintiffs' application for injunctive relief as well as a cross-motion to dismiss plaintiffs' complaint. I have spoken to Andrew Thomas and Robert Balin, attorneys for defendant, and explained that plaintiffs' application for an Order to Show Cause ("OSC") was delivered to the Court but was never filed. In any event, our application for an OSC was denied. The SDNY clerk explained, before we hand delivered to

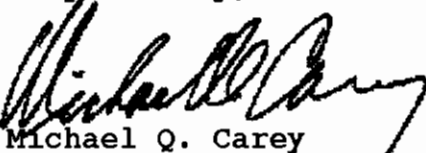
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chambers the papers approved by the clerk, that we would only file by ECF the papers in support of the OSC if the OSC were issued. It was not issued and we never filed our application.

I understood the conference with the Court as permitting defendant to file a motion to dismiss the complaint, including plaintiffs' cause of action for a permanent injunction, as well as to brief defendant's objection to an injunction in a libel case. Plaintiffs' have no objection to defendant seeking such relief at this time. However, apart from the fourth cause of action, there is no pending application for injunctive relief to oppose and no motion to which defendant can cross-move.

Defendant's counsel thanked me for clarifying the facts concerning the non-filing of the application for the OSC.

Respectfully,



Michael Q. Carey

Cc.: Dominic F. Amorosa, Esq. (By e-mail)
Deborah A. Adler, Esq. (By e-mail)
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Kelli L. Sager, Esq. (By e-mail)
Andrew J. Thomas, Esq. (By e-mail)

PLAINTIFFS' APPLICATION FOR PAGE LIMIT EXTENSION GRANTED.

SO ORDERED

Colleen McMahon
U.S.D.J.

February ____, 2008